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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,961	04/14/2004	Mary Ellen Birli	ERIC . P0347US	5440

7590 08/10/2005
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EXAMINER

WUJCIAK, ALFRED J

ART UNIT PAPER NUMBER

3632

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,961

Applicant(s)

BIRLI ET AL.

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the final Office Action for the serial number 10/823,961, THREADED ROD HANGER, filed on 4/14/04.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 3,341,909 to Havener and in view of US Patent # 6,050,766 to Kies et al.

Havener teaches a rod hanger (figure 11) comprising a body (21) including a threaded rod receiving portion (41) accommodating a vertically extending threaded rod (71) therethrough. The rod receiving portion comprises a sheet metal housing (col. 1, lines 65-66). The housing includes aligned notches (43-44) and a clamp screw (36).

Havener teaches the threaded rod receiving portion includes nut and washer (72-73) but fails to teach the receiving portion includes an insert clip in the rod receiving portion and rod receiving includes slots. Kies et al. teaches a threaded rod receiving portion (opening area in 10. See figure 7) accommodating a vertical extending threaded rod (20) therethrough and an insert clip (12) in the rod receiving portion gripping the threaded rod. The rod receiving portion

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comprises a sheet metal housing (col. 3, lines 3-4). The housing includes slots (23, 22, underneath element 60 that has opening area in figure 4 and another slot located adjacent to element 50 in figure 4). The insert clip is U-shape having parallel spring legs (67-68) and each having a linear series of grooves (69-70) forming a thread profile. The profile in the respective legs being offset by one half the pitch of threads of the rod (col. 3, lines 59-60). The hanger includes angled projections (50-51 and 54-57) in the housing to guide the tips of legs from one set of slots to the other. The tips of legs project through the slots of one wall when the insert clip is fully inserted in the slots of the other (figure 6). The springs legs having projections (72-73) on the outside thereof. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Havener's rod receiving portion with clip, slots, angled projections in housing as taught by Kies et al. to reduce time for tightening the threaded rod with clip rather than spending some time tighten the nut on the threaded rod.

In regard to claims 9-12 and 21-24, Havener in view of Kies et al. teaches all elements above but fails to teach the housing includes an extension, however in figure 7 of Havener which is a different embodiment shows that the housing includes an extension (50-52) terminating in an edge clip (53, wall between 53 and 54, and 54). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used the extension to figure 11 of Havener's invention to provide additional storage for an object to be secured therein.

Response to Arguments

Applicant's arguments filed 5/23/05 have been fully considered but they are not persuasive.

In response to applicant's argument that Kies et al is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the examiner is using Kies et al.'s invention to replace Havener's nut that is tightened on the thread (71) in figure 11. The examiner is limited to his rejection to figure 11 of Havener's invention that has thread inserted through the clamp and nut for securing thread onto the clamp. Since Havener has nut, it is obvious to have replaced nut with Kies et al.'s nut (10 and 12 as explained in col. 1, lines 42-67) that secures the thread. Kies et al.'s nut and Havener's nut have similar function for securing thread and that they are analogous art with nut for securing thread.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
Art Unit 3632

ASW

8/5/05


KORIE CHAN
PRIMARY EXAMINER